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Elections to fill vacancies in subsidiary organs and other elections: election of eighteen members of the Human Rights Council

Note verbale dated 26 October 2015 from the Permanent Mission of Pakistan to the United Nations addressed to the President of the General Assembly

The Permanent Mission of Pakistan to the United Nations presents its compliments to the President of the General Assembly and has the honour to refer to the candidature of Pakistan to the Human Rights Council of the United Nations for the term 2016-2018, elections for which will be held on 28 October 2015 in New York.

In this regard, the Permanent Mission of Pakistan has the further honour to request the Office of the President of the General Assembly to kindly circulate this note and its annex for consideration by Member States. The annex details the voluntary pledges of Pakistan pursuant to General Assembly resolution 60/251, which reflect the commitment of Pakistan and highlight the progress made by the country in the area of human rights. These pledges were also circulated among Member States earlier by the Mission through its note dated 19 August 2015.

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Annex

Candidature of Pakistan to the Human Rights Council, 2016-2018

Contributions, voluntary pledges and commitments pursuant to General Assembly resolution 60/251

1. As a founding member of the Human Rights Council, Pakistan has decided to present its candidature for re-election to the Council for the term 2016-2018 against one of the five seats reserved for the Asia-Pacific Group. The election will take place in October 2015, during the seventieth session of the General Assembly, in New York.

2. Pakistan served for two consecutive terms in the Council, from 2006 to 2011. It was re-elected to the Council for the current term (2013-2015). Pakistan considers that its continued presence in the Council would enable it to further its contribution to the collective efforts to help consolidate the universal human rights agenda and to advance its endeavours for the promotion and protection of human rights at the national and international level.

3. Following is a brief account of Pakistan's contributions, voluntary pledges and commitments in the field of human rights pursuant to General Assembly resolution 60/251.

Contribution for the promotion and protection of human rights and progress on past pledges

4. Pakistan is strongly committed to the promotion and protection of human rights. In pursuance of its deep respect for human rights principles and norms and on the basis of the experience and expertise acquired from its membership in the Council, Pakistan looks forward to contributing further by engaging proactively with the Council, its entire machinery, processes and initiatives, as well as with the members of the international community, the United Nations agencies and members of civil society.

5. Pakistan considers human rights as the bedrock for peace and democracy at home and abroad. It therefore accords high priority to advancing the mutually reinforcing objectives of development, human rights and democracy. We have made considerable progress in the field of human rights despite the challenges posed by terrorism, of which Pakistan is the biggest victim, as terrorism has caused more than 60,000 deaths in the country in the last decade and losses of hundreds of billions of dollars to the economy.

6. Pakistan has ratified and continues to implement seven core international human rights treaties. The following four such treaties and additional protocol have been ratified in recent years:

(a) International Covenant on Economic, Social and Cultural Rights (1966) (ratified on 17 April 2008);

(b) International Covenant on Civil and Political Rights (1966) (ratified on 23 June 2010);

(c) Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984) (ratified on 23 June 2010);

(d) Convention on the Rights of Persons with Disabilities (2006) (ratified on 5 July 2011);

(e) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (ratified on 5 July 2011).

7. We are now focused on the implementation of these instruments at the grass-roots level. To achieve this purpose, the Government has established Treaty Implementation Cells (December 2014) in all provinces to oversee compliance with these international instruments.

8. In fulfilment of its pledge, Pakistan has established the National Commission on Human Rights. The Commission has been functioning since 19 May 2015. It has a wide-ranging mandate encompassing all aspects of human rights, including dealing with the rights of women, children and other vulnerable segments of the society and powers to take up complaints regarding human rights violations. The establishment of the Commission will go a long way in strengthening human rights in Pakistan.

9. Another landmark achievement in the field of human rights is the National Commission on Minorities, which was made fully functional in 2014. The Commission can address all aspects of minorities' rights in Pakistan.

10. The National Commission on the Status of Women, established as a statutory body in July 2000, has been further strengthened and made more autonomous in 2011. In the last few years, the Commission has been consolidated in terms of providing solid advice and guidance to the Government to enable it to fulfil its national and international obligations with regard to women's rights, including through establishing provincial Commissions.

11. The Supreme Court of Pakistan has also set up a human rights cell, which functions under the direct supervision of the Chief Justice and addresses cases requiring urgent relief.

12. Significant work has been done on legislative reform in recent years in the country. Reforms introducing new legislation or addressing gaps in existing legislation have been passed by the Parliament. Most prominent in this regard is pro-women legislation, including the following:

(a) Protection against Harassment of Women at Workplace Act (2010), which provides protection to women from sexual harassment in the workplace while describing the relevant complaint mechanism, enquiry procedure and penalties. It also lays down a code of conduct for the workplace;

(b) Criminal Law (Amendment) Act 2010, which lays down a punishment of three years along with a fine of 500,000 rupees for the offence of sexual harassment;

(c) Prevention of Anti-Women Practices Act (2011), which aims to prohibit forced marriages, marriages with Quran, depriving a female of inheritance and giving away women or girls in *vani* or *swara*;

(d) Criminal Law (Amendment) Act 2011 (Prevention of Acid Crimes Incidents) makes the act of acid throwing an offence punishable by life imprisonment and a fine of 1 million rupees;

(e) Women in Distress and Detention Fund (2011) extends financial and legal assistance to women who are in jail due to various allegations made against them and who are faced with extreme hardship.

13. The Government has taken steps to prevent the possible misuse or abuse of the blasphemy law. In 2004, it was made compulsory that no police officer below the level of Superintendent of Police investigate charges related to blasphemy.

14. Pakistan is also working closely with special procedures of the Human Rights Council. The Special Rapporteur on the independence of judges and lawyers visited Pakistan from 19 to 29 May 2012, the Working Group on Enforced or Involuntary Disappearances from 10 to 12 September 2012, and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism from 11 to 13 March 2013. The United Nations High Commissioner for Human Rights also visited Pakistan from 4 to 8 June 2012. These visits have been useful for us in terms of feedback and are reflective of our commitment to the promotion and protection of human rights. The visits were part of our undertaking to enhance our cooperation in the field of human rights.

15. Given the importance it attaches to the right to development, the Government has taken steps to mainstream the right to development in the Vision 2025 plan, which is a clear manifestation of this priority.

16. Vision 2025 will enhance the effectiveness of available social protection schemes and also cover areas such as employment creation, the eradication of poverty and other forms of social protection. For this purpose, the Benazir Income Support Programme is already extending financial support for children in schools. The scope and size of such schemes will be further extended through Vision 2025.

17. Vision 2025 also offers an opportunity to promote and advance the key goal of women's empowerment. A hallmark program, the Gender Reform Action Plan (2012), which is part of the Public Sector Development Programme, is a key deliverable in this regard. It undertakes to mainstream gender at all levels of governance structure. Key reform areas include: (a) institutional restructuring; (b) policies and fiscal reforms; (c) women's employment in the public sector; and (d) women's political participation.

Voluntary pledges and commitments

A. At the national level

18. In order to further consolidate the progress made during recent years as well as to overcome the challenges posed by extremism and terrorism, Pakistan will take bold measures in both policy and legal reform and, where necessary, ensure effective enforcement of its existing legislation/policy on human rights. Overall, we will further strengthen our holistic approach, with a primary focus on future interventions for women, children, minorities and disabled persons.

19. We therefore pledge to make utmost efforts in this regard, including by considering the following:

(a) Formulating a national plan of action on human rights that, besides setting out our strategic direction and key priorities, will align our interventions with our national and international obligations;

(b) Constituting a joint committee consisting of national and provincial stakeholders that will, in consultation with civil society, identify gaps and review discriminatory legislation and the enforcement of existing legislation;

(c) Making our national human rights institutions more autonomous and fully operational so as to ensure their effective functioning;

(d) Working for speedy justice for victims of human rights violations through the strengthening of the human and technical resources available to law enforcement agencies and prosecutors and capacity-building for other relevant stakeholders, including the Treaty Implementation Cells;

(e) Designing and launching a public awareness campaign on the various aspects of the human rights of women, children, minorities and other groups;

(f) Undertaking and implementing the following measures in respect of women:

(i) Passing legislation on the following:

- Domestic Violence (Prevention and Protection) Bill (2013)
- Christian Marriages Amendment Bill 2014
- Divorce Amendment Bill 2014 (Christian)
- Anti-Rape law (Criminal Law Amendment) Bill 2014 to review and improve existing legislation
- Women in Distress and Detention Fund (Amendment) Act 2014

(ii) Formulating national policy guidelines on gender-based violence;

(iii) Establishing new crisis centres for women and strengthening/standardizing existing centres/services in collaboration with civil society organizations to provide rehabilitation services for victims and survivors of violence;

(iv) Encouraging women's participation in the workforce under Vision 2025 in order to fully utilize the work potential of half of Pakistan's population;

(v) Establishing toll-free helplines in all provinces to receive complaints and provide information as well as link complaints to relevant institutions, including offices of ombudspersons;

(g) Undertaking the following measures in respect of children:

(i) Passing legislation on the following:

a. The establishment of a national commission on the rights of children;

b. The ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

c. The review and implementation of Juvenile Justice System Ordinance (2000) through the Juvenile Justice System Bill (2015);

(ii) Progressively fully eliminating the problem of child labour through a phased and multisectoral strategy;

(iii) Remaining committed to polio eradication and continuing to combat it with resilience, renewed determination and political will;

(iv) Making the utmost efforts to ensure implementation of Article 25 A of the Constitution regarding free education for children between 5 and 16 years of age;

(h) Undertaking the following measures in respect of minorities:

(i) Ensuring the effective functioning of the National Commission for Minorities through the allocation of adequate resources;

(ii) Establishing an interministerial review committee to discuss issues concerning violations of the human rights of minorities and to promote interfaith harmony;

(iii) Strengthening and enhancing the effectiveness of interfaith harmony committees established at the district level;

(iv) Consolidating ongoing efforts to enhance the socioeconomic position of members of minority communities, including through an increase in funds for and the number of scholarships; the provision of financial assistance to vulnerable groups, including widows, orphans and the disabled; and the establishment of a 5 per cent quota reserved for minorities in the National Income Support Programme and other social safety nets;

(v) Ensuring an effective enforcement of Sections 99-A and 295-A of the Pakistan Penal Code, which are related to religious hatred that leads to imminent violence, including hate speech;

(vi) Making efforts to establish a fund for free legal aid to the victims of human rights violations;

(vii) Mainstreaming human rights in development planning by incorporating cross-cutting issues of health, education, social planning in development planning under Vision 2025 and making efforts for adequate budgetary and resource allocations for the promotion and protection of human rights and gender initiatives in the Public Sector Development Programme.

B. At the international level

20. Pakistan greatly values international cooperation for the promotion and protection of human rights and fundamental freedoms on the basis of principles set out in the Universal Declaration of Human Rights and other treaty and non-treaty human rights documents. In this spirit, Pakistan will continue to further strengthen its contribution to the global promotion of human rights and its positive engagement with the Human Rights Council along the following lines:

(a) As one of the Council's founding members, Pakistan will continue to strive to make the Council a forum for genuine dialogue and cooperation on the basis of the principles of non-discrimination and impartiality, as reflected in the institution-building package contained in the annex to Human Rights Council resolution 5/1;

(b) Pakistan actively participated in the establishment of various mechanisms of the Council and its review in 2011 and will continue to contribute to the effectiveness and efficiency of methods of work of the Council and its various mechanisms;

(c) We will continue to play an active role in the Council with a view to strengthening this body, which should promote dialogue, cooperation, capacity-building and technical assistance for the protection and promotion of human rights with due regard to the historic, cultural and religious values of member States and their specific socioeconomic conditions;

(d) We will continue to promote constructive engagement, dialogue and cooperation with the concerned States in addressing situations of concern before the Council;

(e) We consider the universal periodic review a unique cooperative mechanism to identify human rights challenges and make tangible recommendations in a non-politicized manner. Pakistan constructively participated in its second universal periodic review in October 2012. We will continue to make efforts to further strengthen our own participation as well as engage with the review mechanism by making action-oriented and useful recommendations to other member States;

(f) Pakistan has had the honour to serve as the coordinator of the Organization of Islamic Cooperation (OIC) working group on human rights and humanitarian affairs in Geneva for many years. Pakistan has endeavoured to build bridges and help overcome the divergences and misunderstandings that have at times appeared in the approaches to some issues by the Islamic world and the west. To this end, Pakistan has been part of all major initiatives to promote intercultural dialogue and harmony among all societies and cultures and has sponsored resolutions in the General Assembly and the Human Rights Council to promote interreligious and intercultural cooperation for peace. We pledge that we will continue to work with all Member States to maintain and strengthen this consensus;

(g) We have joined hands with the Philippines in presenting the annual General Assembly draft resolution on the "Promotion of interreligious and intercultural dialogue, understanding and cooperation for peace". The resolution has been consistently adopted by consensus, with the sponsorship of Member States of all major regions of the world. We pledge that we will work further to promote and strengthen interreligious and intercultural dialogue;

(h) Pakistan played an active and constructive role in achieving consensus on Human Rights Council resolution 16/18, entitled "Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief". This landmark resolution has since been adopted by consensus in the Council and the General Assembly. We remain committed to maintaining this strategic consensus and will work to promote the spirit of dialogue;

(i) Pakistan has been supportive of the role and activities of the United Nations Alliance of Civilizations for promoting a culture of dialogue, tolerance and peaceful cooperation among the nations of the world. We will continue to support this initiative;

(j) Both as OIC coordinator and in its national capacity, Pakistan has maintained strong liaison and coordination with the Office of the High Commissioner for Human Rights in its endeavour to promote and advance the human rights agenda. We pledge to provide further support to the Office as it carries out its mandate;

(k) We will continue to strengthen cooperation and engagement with the United Nations High Commissioner for Human Rights and special procedures, including by considering their visits to Pakistan.